

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

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LESLIE DICK WORLDWIDE, LTD. AND :  
LESLIE DICK, :  
: *Plaintiffs,* :  
: -against- :  
: :  
GEORGE SOROS, SOROS FUND :  
MANAGEMENT, LLC, SFM :  
MANAGEMENT, LLC, CONSECO, INC., :  
VORNADO REALTY TRUST, GERMAN :  
AMERICAN CAPITAL CORP., DEUTSCHE :  
BANK AG., EASTDIL SECURED, LLC, :  
HARRY MACKLOWE, FIG, LLC, :  
CERBERUS CAPITAL MANAGEMENT, LP, :  
LAZARD FRERES & CO., LLC, KIRKLAND :  
& ELLIS, LLP, FRIED, FRANK, HARRIS, :  
SHRIVER & JACOBSON LLP, CARMEL :  
FIFTH, LLC, 767 MANAGER, LLC, :  
DONALD J. TRUMP AND JOHN DOES "1" :  
THROUGH "10," :  
: *Defendants.* :  
: :  
..... x

**DECLARATION OF JOHN R. OLLER**  
**IN SUPPORT OF THE SOROS DEFENDANTS' MOTION TO DISMISS**

I, John R. Oller, Esq., declare:

1. I am a member of the law firm of Willkie Farr & Gallagher LLP, counsel for George Soros and Soros Fund Management, LLC (together, the "Soros Defendants") in the above-captioned action. I submit this declaration in support of the Soros Defendants' Motion to Dismiss.

2. Attached hereto as Exhibit A is a true and correct copy of the Amended Verified Complaint filed on June 21, 2006 in New York State Supreme Court by Plaintiffs Leslie Dick Worldwide, Ltd. and Leslie Dick in *Leslie Dick Worldwide Ltd., et al. v. Macklowe Props., Inc., et al.*, Index No. 06/600222 (the “State Action”).

3. Attached hereto as Exhibit B is a true and correct copy of the Decision and Order by Justice Karla Moskowitz in the State Action granting the motions to dismiss of certain defendants in the action (the “non-Soros Defendants”), signed on November 29, 2006 and filed on December 5, 2006.

4. Attached hereto as Exhibit C is a true and correct copy of the Notice of Entry and Judgment entered in the State Action by the Clerk of the Court on December 20, 2006, dismissing all claims against the non-Soros Defendants.

5. Attached hereto as Exhibit D is a true and correct copy of the transcript of the January 18, 2007 hearing in the State Action on the Soros Defendants’ motion to dismiss the Amended Verified Complaint.

6. Attached hereto as Exhibit E is a true and correct copy of the January 18, 2007 Order by Justice Moskowitz in the State Action directing the Clerk of the Court to enter a judgment dismissing all claims against the Soros Defendants with prejudice.

7. Attached hereto as Exhibit F is a true and correct copy of the Notice of Entry of Judgment and Judgment entered in the State Action by the Clerk of the Court on February 2, 2007, dismissing all claims against the Soros Defendants with prejudice.

8. Attached hereto as Exhibit G is a true and correct copy of the August 14, 2006 affidavit Leslie Dick filed in the State Action in support of his opposition to the non-Soros Defendants’ motion to dismiss, including Exhibit 1 thereto, a November 24, 2003 letter from Mr.

Dick to Mr. Benjamin Lambert, Chairman and CEO of Eastdil Realty Inc., copied to George Soros, Harry Macklowe and others.

Pursuant to 28 U.S.C. § 1748, I declare under penalty of perjury on this 19<sup>th</sup> day of December, 2008, that the foregoing is true and correct to the best of my knowledge, information and belief.

  
John C. Oller